



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Gurney et al.

Examiner: C. Nichols

APPLICATION NO.: 09/806,194

Group Art Unit: 1647

FILING DATE: September 17, 2001

TITLE: Alzheimer's Disease Secretase

**TERMINAL DISCLAIMER**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Pharmacia and Upjohn Company is the owner of 100% interest in the above-captioned application; and in U.S. Patent No. 6,440,698, issued August 27, 2002. Pharmacia and Upjohn Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term of U. S. Patent No. 6,440,698, including any patent term extensions, restorations or adjustments for said patent available under all applicable statutes including 35 U.S.C. §§ 154 through 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,440,698. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to it and to the above-identified granted patent shall be commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the above-identified grant patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent expires for failure to pay a maintenance fee, is held unenforceable and/or invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or its term is in any manner shortened prior to the

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Docket No.: 29915/6177PCP US

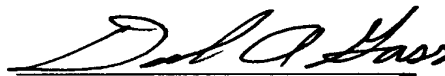
expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

This Terminal Disclaimer is accompanied by a Fee Transmittal Sheet and our check for payment of the appropriate fee under 37 C.F.R. § 1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: May 11, 2004

A handwritten signature in black ink, appearing to read "David A. Gass", written over a horizontal line.

David A. Gass  
Reg. No. 38,153  
Attorney of Record